

BILL NO. S-85-04-

02 (as amended) (as amended)

Free

SPECIAL ORDINANCE NO. S-

54-85

AN ORDINANCE revising fees for the use of City rights-of way.

WHEREAS, the City is authorized by Indiana law to charge for use of its rights-of-way;

WHEREAS, such fees were last established in 1979 and same have not been updated or revised since that time;

WHEREAS, the expenses of the City with respect to its use of rights-of-way have escalated since 1979 and indeed all economic indices including, but not limited to, the Municipal Cost Index have risen;

WHEREAS, municipalities throughout the country have raised fees charged with respect to the use of rights-of-way;

WHEREAS, the present fee structure requires the City's Right-of-Way Department to operate at a deficit in that cost levels exceed fee income; and

WHEREAS, the City's Right-of-Way Department and further the City's Board of Public Works and Safety has established a new fee structure for submission to this Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The City's present fee structure for use of rights-of-way is as follows:

Street Cut each additional 50,000 sf	\$ 20
Commercial Drive	100
De-Cel Vehicle	200
Reconstruction	10
Private Drive	10
Reconstruction	10
Sidewalk up to 100' herein established shall be	Free
Sidewalk each 50' add.	



1	Sidewalk Reconstruction	Free
2	Parking Lot to 100,000 sf	20
3	Parking Lot 2nd 100,000 sf	
4	Parking Lot each additional 50,000 sf	
5	Pole Line	10
6	Oversize Vehicle	20
7	Standards Manual	2
8	Barricade	Free
9	Parade	Free

10 These fees are outdated and the cost levels exceed the  
11 revenue income.

12 SECTION 2. Upon the effective date of this Ordinance,  
13 the fees for use of the City's rights-of-way shall be as follows:

14	Street Cut	\$ 40
15	Commercial Drive	150
16	De-Cel	300
17	Reconstruction	<del>15</del> 20
18	Private Drive	20
19	Reconstruction	10
20	Sidewalk up to 100'	10
21	Sidewalk each 50' add.	5
22	Sidewalk Reconstruction	5
23	Parking Lot to 100,000 sf	40
24	Parking Lot 2nd 100,000 sf	20
25	Parking Lot each additional 50,000 sf	10
26	Pole Line	10
27	Oversize Vehicle	20
28	Standards Manual	2
29	Barricade	20
30	<del>Parade</del>	<del>20</del>

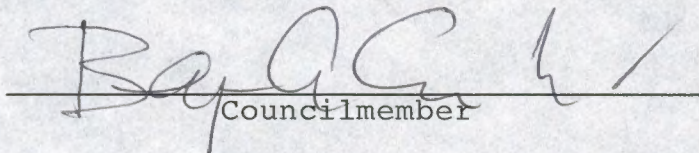
31 SECTION 3. The fees herein established shall not in  
32 any way limit the ability of the City to charge additional sums



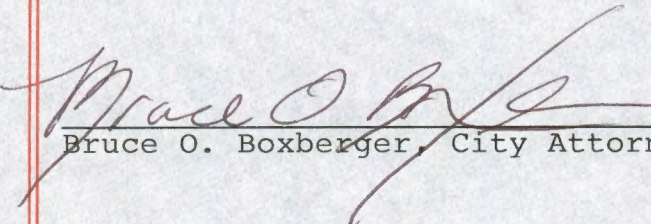
Page Three

for other use of its rights-of-way as referenced herein.

SECTION 4. That this Ordinance shall be in full force and effect from and upon its passage and any and all necessary approval by the Mayor.

  
Councilmember

APPROVED AS TO FORM  
AND LEGALITY

  
Bruce O. Boxberger, City Attorney

FOX RIVER BOND  
25% COTTON



Read the first time in full and on motion by E. Estep,  
seconded by Stier, and duly adopted, read the second time  
by title and referred to the Committee Finance (and the City  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S

DATE: 4-9-85

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK  
*Chief Deputy*

Read the third time in full and on motion by E. Estep,  
seconded by Stier, and duly adopted, placed on its  
passage. PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>X</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>X</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>X</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>X</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>X</u>	_____	_____	_____	_____
<u>REDD</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>X</u>	_____	_____	_____	_____
<u>STIER</u>	<u>X</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>X</u>	_____	_____	_____	_____

DATE: 4-23-85

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK  
*Chief Deputy*

Passed and adopted by the Common Council of the City of Fort  
Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (~~GENERAL~~)  
(~~SPECIAL~~) (~~ZONING MAP~~) ORDINANCE (~~RESOLUTION~~) NO. S-54-85  
on the 23rd day of April, 1985,

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK  
*Chief Deputy*

Mark E. GiaQuinta  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,  
on the 24th day of April, 1985,  
at the hour of 11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK  
*Chief Deputy*

Approved and signed by me this 25th day of April,  
1985, at the hour of 3:00 o'clock A. M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR



Admn. Appr. \_\_\_\_\_

DIGEST SHEET(as amended)  
(as amended)

J-85-04-02

TITLE OF ORDINANCE \_\_\_\_\_ Special Ordinance \_\_\_\_\_

DEPARTMENT REQUESTING ORDINANCE \_\_\_\_\_ Transportation &amp; Street Engineering \_\_\_\_\_

SYNOPSIS OF ORDINANCE \_\_\_\_\_ Fees for rights-of-way were established in 1979 and have not been revised since that time. The Municipal Cost Index has increased 116.6%, therefore, in an effort to operate the Right-of-Way Department in an efficient manner, as done in the past at a break-even level, it is our opinion that right-of-way fees be increased as per the attached.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

EFFECT OF PASSAGE \_\_\_\_\_ An increase in fees will aid in allowing the Right-of-Way Department to operate in an efficient manner.

\_\_\_\_\_

EFFECT OF NON-PASSAGE \_\_\_\_\_ The Right-of-Way Department will continue to operate at a cost level that exceeds our revenue income.

\_\_\_\_\_

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \_\_\_\_\_

\_\_\_\_\_

ASSIGNED TO COMMITTEE (PRESIDENT) \_\_\_\_\_

BILL NO. S-85-04-02

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ revising fees for the use  
of City rights-of-way

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

(RESOLUTION) ~~XXXXXX~~ DO PASS DO NOT PASS WITHDRAWN  
YES NO

Ben A. Eisbart

BEN A. EISBART  
CHAIRMAN

Janet G. Bradbury

JANET G. BRADBURY  
VICE CHAIRWOMAN

Samuel J. Talarico

SAMUEL J. TALARICO

Thomas C. Henry

THOMAS C. HENRY

James S. Stier

JAMES S. STIER

CONCURRED IN 4-23-85

SANDRA E. KENNEDY  
CITY CLERK